



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 8, 1998

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546

OR98-1616

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116619.

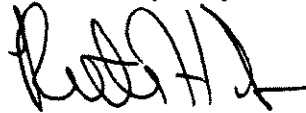
The City of Austin (the "city") received a request for "all documents, materials, reports, studies, data, field notes, notes, memoranda, correspondence, and other items of any nature whatsoever relating to or arising in connection with the dye trace studies that have been and are being conducted in connection with the Barton Springs Segment of the Edwards Aquifer." You state that certain data has been released, but that the "preliminary versions of a report that is intended for public release when it is in final form" are protected from disclosure pursuant to section 552.111 of the Government Code. Those preliminary drafts were provided to this office for review.

Section 552.111 excepts from disclosure inter-agency or intra-agency communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. *See Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ); Open Records Decision No. 615 (1993) at 5. Section 552.111 excepts from required public disclosure preliminary drafts of documents related to policymaking matters, since drafts represent the advice, opinion, and recommendation of the drafter as to the form and content of the final documents. *See* Open Records Decision No. 559 (1990). We agree that the draft documents at issue may be withheld from disclosure pursuant to section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 116619

Enclosures: Submitted documents

cc: Mr. Alan Glen
Drenner & Stuart
201 Congress Avenue, Suite 3100
Austin, Texas 78701
(w/o enclosures)